

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

THE LOCAL SPOT, INC., <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 3:20-cv-00421
)	Judge Richardson
JOHN COOPER, <i>et al.</i>,)	Magistrate Judge Newbern
)	
Defendants.)	

TOOTSIE’S ENTERTAINMENT, LLC)	
d/b/a TOOTSIE’S ORCHID LOUNGE,)	
<i>et al.</i>,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 3:21-cv-00501
)	Judge Richardson
JOHN COOPER, in his official)	Magistrate Judge Newbern
capacity as Mayor of Metropolitan)	
Nashville-Davidson County, <i>et al.</i>,)	
)	
Defendants.)	

JOINT MOTION TO CANCEL TRIAL AND MEMORANDUM IN SUPPORT¹

Plaintiffs, The Local Spot, Inc.; Geoffery Reid; Harry O’s Steakhouse, LLC; HTDG, LLC; Tootsie’s Entertainment, LLC; RSF Investor, LLC; and Timothy Stephen Smith, and Defendants, the Metropolitan Government of Nashville and Davidson County, and John Cooper and Dr. Gill Wright III, in their official capacities (the “Metro Defendants”),²

¹ Due to the brief and straightforward nature of the present motion, the motion and memorandum are combined in one document for the Court’s convenience.

² This case is stayed as to Defendants Kia Jarmon and Michael Caldwell under the *Younger* abstention doctrine. (Doc. Nos. 107, 186.) Kia Jarmon is represented by the undersigned counsel for Defendants Metro, Cooper, and Wright. Dr. Caldwell is represented by attorneys from Sherrard & Roe, who have been consulted concerning the matters raised in this motion. Neither Ms. Jarmon nor Dr. Caldwell oppose the relief requested herein.

(together, the “Parties”) respectfully move the Court to cancel the trial of this matter, which is currently set to begin on August 29, 2023, because this case has been stayed since November 2022 pending resolution of related state court proceedings.

On November 11, 2022, the Parties moved for an extension of the discovery deadline to accommodate additional depositions that could not be timely completed due to illness and witness availability. (Doc. No. 210.) Following a telephone conference with Magistrate Judge Newbern, the Court on November 22 issued an Order (1) staying all discovery in this case pending resolution of the related state court proceedings and (2) continuing all case management deadlines, to be reset by future order. (Doc. No. 212.) The Parties were also directed to file, every sixty days, joint status reports on the state court proceedings. (*Id.*)

This case is set for trial on August 29, 2023, with various pretrial filings due beginning on August 7. (Doc. No. 206.) The related state court proceedings are not yet resolved. (*See* Joint Status Report, Doc. No. 216.) Because this case remains stayed pending resolution of the state court proceedings, the Parties move to cancel the August 29 trial, to be reset once the stay is lifted and new case management deadlines have been reset.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been served via the CM/ECF electronic filing system to:

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on this 14th day of July 2023.

/s/ Michael R. Dohn
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